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Attorneys for Plaintiff
UNITED STATES OF AMERICA

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JUN 17 2004

LODGED

at 11 o'clock and 40 min. a.m.
WALTER A. Y. H. CHINN, CLERK

JUN 16 2004

CLERK, U. S. DISTRICT COURT
DISTRICT OF HAWAII

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	MAG. NO. 04-0342 KSC
)	
Plaintiff,)	STIPULATION EXTENDING THE
)	TIME WITHIN WHICH THE
vs.)	GOVERNMENT MAY FILE INDICTMENT
)	OR INFORMATION AGAINST
DAVID FONOTI)	DEFENDANT AND EXCLUDING TIME
)	UNDER THE SPEEDY TRIAL ACT;
Defendant.)	ORDER
)	

STIPULATION EXTENDING THE TIME WITHIN WHICH
THE GOVERNMENT MAY FILE INDICTMENT OR INFORMATION
AGAINST DEFENDANT AND EXCLUDING TIME
UNDER THE SPEEDY TRIAL ACT

WHEREAS, defendant DAVID FONOTI, was arrested on May 18, 2004, by federal agents for a impersonating a federal officer charge in the above-captioned Magistrate's Action;

WHEREAS, pursuant to 18 U.S.C. § 3161(b) of the Speedy Trial Act, the Government must charge the defendant by way of Indictment or Information within thirty (30) days of his/her arrest date; however, said statute also provides that the

exclusions of time set forth in 18 U.S.C. § 3161(h), as authorized by the Court, are not counted in said thirty (30) day computation;

WHEREAS, defendant has authorized his defense attorney of record, Shanlyn Park, Assistant Federal Public Defender, to enter into plea negotiations with the United States;

WHEREAS, defense counsel and Government counsel have commenced engaging in ongoing plea discussions and negotiations, with the idea being that defendant would waive indictment by grand jury and plead guilty before the District Judge to an Information felony charge pursuant to a written Memorandum of Plea Agreement;

WHEREAS, the 30th day herein would be June 18, 2004, and taking into account the factors set forth above, this leaves insufficient time to complete the parties' negotiations and obtain the final approvals necessary to implement the foregoing;

AND WHEREAS, a brief continuance would allow sufficient time to complete said negotiations, secure the requisite approvals, and draft the appropriate paperwork;

NOW, THEREFORE, it is hereby stipulated and agreed as follows:

(1) The period within which the Government herein may file an Indictment or Information against defendant is hereby extended from June 18, 2004, up through and including July 19, 2004;

(2) In accordance with 18 U.S.C. § 3161(h)(8)(A), for the reasons set forth above, the ends of justice served by permitting this extension outweigh the best interest of the public and the defendant in a speedy trial. Therefore, the time period from June 18, 2004, up through and including July 19, 2004, is hereby excluded from time computation under the Speedy Trial Act.

DATED: Honolulu, Hawaii, June 16, 2004.

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii

By *Ronald G. Johnson*
RONALD G. JOHNSON
Assistant U.S. Attorney

Shanlyn Park
SHANLYN PARK
Federal Public Defender
Attorney for defendant
DAVID FONOTI

APPROVED AND SO ORDERED:

Edie E. Kobayashi
UNITED STATES MAGISTRATE JUDGE

United States v. David Fonoti
Mag. No. 04-0342 KSC
Stipulation Extending the Time Within Which the
Government May File Indictment or Information Against
Defendant and Excluding Time Under the Speedy Trial Act